Supreme Court, U. S.
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In The

Supreme Court of the United States

October Term, 1979

No. 79-1016

ANTHONY GIACALONE,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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In The

Supreme Court of the United States

October Term 1979

No.

ANTHONY GIACALONE,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

STATEMENT

Petitioner, Anthony Giacalone, petitions this Court for a writ of certiorari to the United States Court of Appeals for the Second Circuit, to review its affirmance of the judgment of the United States District Court for the Northern District of New York rendered the 20th day of April, 1979, convicting him of violating 18 U.S.C. §§2, 371, 2314 and 2315 (causing stolen goods to be transported in interstate commerce; sale of property stolen from foreign commerce; and conspiracy), after trial before MacMahon and a jury, as a result of which petitioner was sentenced to five years imprisonment.

OPINION BELOW

No opinion was rendered by the court below.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1). The court below affirmed the judgment of conviction on October 4, 1979, and denied a motion for rehearing on November 28, 1979. The aforesaid orders are annexed as an appendix.

QUESTIONS PRESENTED

1. Whether a larceny which takes place totally within the State of New Jersey can support a conviction under 18 U.S.C. §§2, 371, 2314 and 2315, where the merchandise was delivered there and would not be moved from New Jersey unless and until purchase orders were received, and where the interstate elements of the crime are supplied by federal undercover agents who transport the merchandise from New Jersey to Syracuse?

2. Assuming, *arguendo*, that such facts do state a violation of 18 U.S.C. §§2, 371, 2314 and 2315, whether the indictment could be properly tried in the Northern District of New York, the district to which the agents transported the merchandise, consistent with appellant's constitutional right to be tried in the district in which the crime was allegedly committed?

3. Whether the trial judge properly received into evidence testimony, much of it hearsay, which concerned an alleged conspiracy antedating the indictment?

4. Whether the prosecution was guilty of "district shopping" by contriving to bring this case in the Northern District of New York, when all of the events occurred in New Jersey?

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth and Sixth Amendments of the United States Constitution, as well as Article III §2 thereof are involved. In addition, 18 U.S.C. §§2, 371, 2314 and 2315 are also involved.

FACTUAL BACKGROUND

Judge Munsen denied a pretrial motion for a dismissal of the indictment on the grounds of improper venue.

The charges themselves stemmed from the alleged sale of certain stoneware products (Jepcor) which had been reported stolen from a dock in New Jersey. On March 9, 1978, a load of stoneware was delivered to Jepcor's plant in Edison, New Jersey (11).* The container was brought into the warehouse where it was photographed, its doors opened, the customs seals removed, and was then put into a trailer and a pin lock affixed (14-15).

On March 19, 1978, the stoneware was reported stolen (13).

On March 19, 1978, defendant DePasqua, who had pleaded guilty to the charges involved in this indictment (417), placed a telephone call to Special Agent Donald Stenham, whom he believed to be a fence known as "Lucky Cataldo", and offered to sell the stoneware to him for $25,000 (118).

Further telephonic communication between the two ensued (123) and Stenham was told to bring a tractor-trailer to New Jersey, where the merchandise could be picked up (124).

Stenham and Special Agent Richard Dorton, the latter acting in his undercover capacity as "Dick Adams", drove to

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* Numerals in parentheses refer to pages of the official court reporter's transcript of trial.

New Jersey with the tractor-trailer and met appellant and the other defendants at the Gold Star Diner in Clifton (32-33, 136).

DePasqua handed Stenham a brochure (34, 143). A sample of the stoneware was exhibited and a price discussed (36-37).

The undercover agents were directed to the Martha's Vineyard restaurant, also in Clifton, to await a telephone call confirming the price (39). DePasqua was given the keys to the tractor-trailer (40). They all waited at the restaurant for several hours while the truck was loaded (41).

At about ten o'clock, DePasqua told Dorton to go out and meet the tractor-trailer (42). The price was again discussed — there being a shortage — and Stenham paid DePasqua $20,000 in cash (46-47, 182-184).

DePasqua supplied the agents with the most expeditious route to Syracuse (47, 184) and the agents departed for Syracuse with the tractor-trailer load of stolen stoneware (48, 184).

The merchandise involved was "just sitting in [the] warehouse" (29) as *no* shipping had been received with respect to *any* of the items in the container (28).

SUMMARY OF ARGUMENT

In the present case, all the alleged criminal acts took place in the State of New Jersey. The goods were "just sitting in [the] warehouse" when they were stolen; they were transported to Syracuse by undercover FBI agents. On these facts, appellant urges that the federal offenses were manufactured: the crimes charged are local in nature and should be prosecuted by local law enforcement officials. Moreover, on these facts, the Constitution mandates that the trial be had in New Jersey, where the acts attributed to appellant took place.

During the course of the trial, the court permitted the Government to introduce evidence, much of it hearsay, concerning a conspiracy between the defendant and a co-defendant, which antedated the indictment. This testimony, which was highly prejudicial, should not have been received.

REASONS FOR GRANTING THE WRIT

I.

The crime herein was essentially local in nature and should have been prosecuted by state authorities. Any interstate aspect was contrived by federal agents.

The petitioner had been indicted along with Anthony DePasqua and Matty Vicaro, in a three-count indictment, as aforesaid. Both DePasqua and Vicaro pleaded guilty, and Giacalone was convicted on all three counts.

All of the aspects of the crime herein took place within the State of New Jersey, with the single exception that the undercover FBI agents came from Syracuse, New York.

The fact that these agents said they were transporting the stolen merchandise to Syracuse was not part of the crime allegedly committed by petitioner, since once the stoneware was delivered in New Jersey to the undercover FBI agents, Giacalone's and his co-defendants' participation ceased [*see United States v. Archer,* 486 F. 2d 670, 682 (2 Cir. 1973)].

By way of background, we would ask this Court to review the decision of the United States Supreme Court in *United States v. Sisson,* 399 U.S. 267, 26 L. Ed. 608 (1970).

Judicial power, as defined by Justice Miller in 1891, is the power ". . . of a court to decide and pronounce a judgment and carry it into effect between persons and parties who bring a case

before it for decision . . ." [Miller, *On the Constitution,* 314 (1891)], or, in the words of the U.S. Supreme Court in *Muskrat v. United States,* 219 U.S. 346 (1911), it is the "right to determine actual controversies arising between adverse litigants, duly instituted in courts of proper *jurisdiction.*" (*Ibid.* 361.)

Although the terms "judicial power" and "jurisdiction" are frequently used interchangeably and jurisdiction is defined as the power to hear and determine the subject matter in controversy between parties to a suit [*United States v. Arredondo,* 6 Pet. 691 (1832)], or the "power to entertain the suit, consider the merits and render a binding decision thereon," [*General Inv. Co. v. N.Y. Central R.R.,* 271 U.S. 228, 230 (1926)], the cases and commentaries support and, for that matter, necessitate a distinction between the two concepts.

Jurisdiction is the authority of a court to exercise judicial power in a specific case and is, of course, a prerequisite to the exercise of judicial power, which is the totality of powers a court exercises when it assumes jurisdiction and hears and decides a case. [*Williams v. United States,* 289 U.S. 553, 566 (1933); and the dissent of Justice Rutledge in *Yakus v. United States,* 321 U.S. 414, 467-468 (1974).]

The distinction between judicial power and jurisdiction is especially pertinent to the meaning of the words "shall be vested." Whereas all of the judicial power of the United States is vested in the Supreme Court and the lower federal judiciary, neither has ever been vested with all the jurisdiction they are capable of receiving under Article III.

Except for the original jurisdiction of the Supreme Court, which flows directly from the Constitution [*Chisholm v. Georgia,* 2 Dall. 419 (1793); *Kentucky v. Dennison,* 24 How. 66, 98 (1861)], two *prerequisites to jurisdiction* must be present. First, the Constitution must have given the courts the capacity to receive it; and second, an act of Congress must have

conferred it. [*The Mayor v. Cooper,* 6 Wall. 247, 252 (1868); *Cary v. Curtis,* 3 How. 236 (1845); *Shelden v. Sill,* 8 How. 441 (1850); and, *Kline v. Burke Constr. Co.,* 260 U.S. 226 (1922).]

Jurisdiction of the subject matter was timely raised in the case at bar. *See* Rule 35 of the Federal Rules of Criminal Procedure. *See also, United States v. Rosenberg,* 195 F. 2d 583, *cert. denied,* 344 U.S. 838 (2 Cir. 1952); *see* later opinion, *United States v. Sobell,* 142 F. Supp. 575 (S.D.N.Y. 1956), *aff'd,* 244 F. 2d 520, *cert. denied,* 355 U.S. 873 (1957).

The vast increase in the caseload of the federal courts, we submit has in no short measure been due to the fact that the federal prosecutors have been arrogating to themselves jurisdiction over cases that are clearly within the purview of the states and not the federal government. (*See United States v. Archer, supra.*) *See also, United States v. Smith,* 410 F. Supp. 1256, 1258 (D.C. Pa. 1976) and *United States v. Beasley,* 412 F. Supp. 447, 449 (D.C. Pa. 1975), *aff'd,* 538 F. 2d 321 (3 Cir. 1976).

II.

Assuming that a federal crime occurred, venue should have been placed in the District of New Jersey where all of the events occurred, and not in the Northern District of New York, which happened to be the residence of the undercover agents.

Article III §2 of the United States Constitution mandates that a federal trial must be held in the state in which the offense was committed. An accused cannot be tried in one district under an indictment showing that the offense was committed in another (*Salinger v. Loisel,* 265 U.S. 224).

The place where the offense is charged to have been committed determines the location of the trial (*Beavers v. Henkel,* 194 U.S. 73, 83).

Even in a conspiracy case, the accused must be tried where an overt act was performed, which in this case was limited to New Jersey (*Brown v. Elliott,* 225 U.S. 392; *Hyde v. United States,* 225 U.S. 347; and *Haas v. Henkel,* 216 U.S. 462).

See also, United States v. Busic, 549 F. 2d 252 (2 Cir. 1977).

III.

Evidence of petitioner's alleged prior involvement in criminal acts which antedated the conspiracy were erroneously received.

During the trial, the court permitted the Government to introduce evidence concerning a meeting between the undercover agents and a co-defendant which antedated the conspiracy. We maintain this was error, but we leave it to a review of the briefs in the court below, which are incorporated by reference to expand upon this point.

CONCLUSION

The petition for certiorari should be granted.

Respectfully submitted,

s/ Irving Anolik
Attorney for Petitioner

APPENDIX

ORDER AFFIRMING JUDGMENT OF CONVICTION DATED OCTOBER 4, 1979

UNITED STATES COURT OF APPEALS

FOR THE

SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the 4th day of October, one thousand nine hundred and seventy-nine.

Present:

J. EDWARD LUMBARD,
HENRY J. FRIENDLY,
MURRAY I. GURFEIN,

Circuit Judges,

79-1173

UNITED STATES OF AMERICA,

Appellee,

-v-

ANTHONY GIACALONE,

Defendant-Appellant.

Appeal from the United States District Court for the Northern District of New York.

Order Dated October 4, 1979

This cause came on to be heard on the transcript of record from the United States District Court for the Northern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is now hereby ordered, adjudged, and decreed that the judgment of said District Court be and it hereby is AFFIRMED.

s/ J. Edward Lumbard
J. EDWARD LUMBARD

s/ Henry J. Friendly
HENRY J. FRIENDLY

s/ Murray I. Gurfein
MURRAY I. GURFEIN

Circuit Judges

ORDER DENYING MOTION FOR REHEARING DATED NOVEMBER 28, 1979

UNITED STATES COURT OF APPEALS

SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals, in and for the Second Circuit, held at the United States Court House, in the City of New York, on the 28th day of November, one thousand nine hundred and seventy-nine.

Present:

HONORABLE MURRAY I. GURFEIN

HONORABLE HENRY J. FRIENDLY

HONORABLE J. EDWARD LUMBARD

Circuit Judges.

79-1173

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ANTHONY GIACALONE,

Defendant-Appellant.

Order Dated November 28, 1979

A petition for a rehearing having been filed herein by counsel for the Appellant.

Upon consideration thereof, it is

Ordered that said petition be and it hereby is DENIED.

A. DANIEL FUSARO
Clerk

Supreme Court, U. S.
FILED
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MICHAEL RODAK, JR., CLERK

No. 79-1016

In the Supreme Court of the United States

OCTOBER TERM, 1979

ANTHONY GIACALONE, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

BRIEF FOR THE UNITED STATES IN OPPOSITION

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In the Supreme Court of the United States

OCTOBER TERM, 1979

No. 79-1016

ANTHONY GIACALONE, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

BRIEF FOR THE UNITED STATES IN OPPOSITION

OPINION BELOW

The judgment order of the court of appeals (Pet. App. 1a-2a) is not reported.

JURISDICTION

The judgment of the court of appeals was entered on October 4, 1979. A petition for rehearing was denied on November 28, 1979. The petition for a writ of certiorari was filed on December 28, 1979. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

QUESTIONS PRESENTED

1. Whether federal jurisdiction was impermissibly contrived by government agents.

2. Whether venue was proper in the Northern District of New York.

3. Whether evidence of prior acts of misconduct by petitioner was improperly admitted.

STATEMENT

After a jury trial in the United States District Court for the Northern District of New York, petitioner was convicted of receiving and selling goods stolen from foreign commerce, in violation of 18 U.S.C. 2315, conspiracy to commit that offense, in violation of 18 U.S.C. 371, and aiding and abetting the interstate transportation of stolen goods, in violation of 18 U.S.C. 2314.[1] He was sentenced to concurrent terms of five years' imprisonment. The court of appeals affirmed (Pet. App. 1a-2a).

The evidence at trial showed that on December 6, 1977, Agent Donald Stenham of the Federal Bureau of Investigation, posing as a person from upstate New York interested in purchasing stolen goods, met with petitioner and co-defendant Anthony DePasque in New York City to discuss possible future transactions in stolen property (Tr. 56-59, 115-116). Petitioner stated that he or DePasque would deal directly with Stenham and that Stenham could expect lower prices for that reason (Tr. 57, 59, 117).

On March 9, 1978, a load of stoneware shipped from Japan was delivered to Jepcor International, Inc., in Edison, New Jersey (Tr. 14-18). The delivery trailer was

[1]Before petitioner's trial, co-defendant Anthony DePasque pleaded guilty to the interstate transportation count of the indictment, and co-defendant Matty Vicaro pleaded guilty to the conspiracy count.

parked in the Jepcor plant's dock area. On March 13, 1978, before the stoneware was unloaded, Jepcor employees reported that the trailer and its contents had been stolen (Tr. 13-16, 23-26).

A few days later, Stenham received several telephone calls in Syracuse, New York from DePasque in New Jersey (Tr. 117-118, 122-125). DePasque offered to sell 1000 cases of stolen stoneware at $25 per case. He stated that the goods should be transported and sold outside New Jersey to avoid detection (Tr. 118, 113-124, 126, 131-132). Stenham agreed to resell the goods in upstate New York (Gov. Exhs. 5, 6).[2]

On March 20, 1978, DePasque instructed Stenham to bring a 40-foot tractor-trailer to New Jersey to pick up the stoneware and transport it to New York (Tr. 124). Two days later, Stenham, undercover FBI agent Richard Dorton, and an informant drove to Clifton, New Jersey, as instructed. They met petitioner, DePasque, and co-defendant Matty Vicaro at a diner (Tr. 33, 137, 214-215). DePasque displayed a brochure describing the stoneware, and petitioner stated that Stenham would receive 900 cases of the merchandise (Tr. 34). After DePasque displayed samples of the stoneware, petitioner said that the purchase price for the goods was $25 per case (Tr. 36-37). In petitioner's presence, Stenham told DePasque that the stoneware would be taken to Syracuse (Tr. 249-250).

Later the same day, DePasque informed Stenham that 880 cases of stoneware had been loaded onto Stenham's tractor-trailer (Tr. 181-182). After further discussion with petitioner and DePasque concerning the price, Stenham

[2]Stenham's telephone conversations with DePasque were tape recorded, and the recordings were played at trial.

agreed to pay $19,000 for the goods plus a commission for DePasque's and petitioner's efforts in negotiating the transaction (Tr. 181-182, 260). Stenham paid DePasque $22,000 in cash (Tr. 183-184). DePasque gave Stenham directions identifying the most direct route back to Syracuse, and the agents drove the tractor-trailer directly to that city (Tr. 184).

ARGUMENT

1. Petitioner contends (Pet. 5-7) that his offenses were purely local in nature and that federal jurisdiction was contrived by government agents who transported the stolen goods in interstate commerce. The argument is without merit.

In the first place, proof of movement of the goods by federal agents was unnecessary for petitioner's conviction on two of the three counts with which he was charged. The first count of the indictment charged petitioner with receiving and selling stolen goods moving in interstate or foreign commerce; the third count charged him with conspiracy to commit that offense. The jurisdictional requirement that the goods be part of "interstate or foreign commerce" was satisfied by proof that the stoneware had been shipped from Japan to New Jersey and was stolen before being unloaded from a trailer parked in the shipping dock area of the company scheduled to receive the goods. See *United States* v. *Wills*, 593 F. 2d 285 (7th Cir.), cert. denied, 441 U.S. 964 (1979); *United States* v. *Williams*, 545 F. 2d 1036, 1039 (6th Cir. 1976); *United States* v. *Astolas*, 487 F. 2d 275 (2d Cir. 1973), cert. denied, 416 U.S. 955 (1974).

The second count of the indictment charged petitioner with the interstate transportation of stolen goods from Clifton, New Jersey to Syracuse, New York. Although FBI agents actually transported the stoneware across state lines, petitioner was fully responsible for the interstate shipment. The agents did not take the merchandise to New York in order to contrive a basis for federal jurisdiction; they did so, at DePasque's behest and with petitioner's knowledge, in a supposed effort to avoid detection of the illegal scheme. DePasque called Agent Stenham in Syracuse for two reasons: he and his associates wanted to sell the stolen stoneware, and they wanted to sell it to someone who they were confident would remove the merchandise from New Jersey before reselling it. DePasque insisted on the interstate transportation and provided Stenham with directions for returning to Syracuse (Tr. 184). Petitioner knew about this aspect of the transaction and approved it (Tr. 249-250). In short, movement of the stoneware in interstate commerce after the sale to Stenham was not merely foreseeable; as far as petitioner and his partner were concerned, it was a condition of their agreement with the undercover FBI agent.

Under these circumstances, there was no impropriety in the FBI agents' conduct. The agents merely afforded petitioner an opportunity to commit the offense he intended to commit from the outset. Federal jurisdiction was not artificially created with respect to Count II, and petitioner therefore is not entitled to relief. See *United States* v. *Corcione*, 592 F. 2d 111, 115-116 (2d Cir.), cert. denied, 440 U.S. 975, 985 (1979); *United States* v. *Santoni*, 585 F. 2d 667, 671 (4th Cir. 1978), cert. denied, 440 U.S. 910 (1979); *United States* v. *Herrera*, 584 F. 2d 1137, 1145-1146 (2d Cir. 1978); *United States* v. *Gambino*, 566 F. 2d 414, 418 (2d Cir. 1977), cert. denied, 435 U.S.

952 (1978); *United States* v. *Hall*, 536 F. 2d 313, 327 (10th Cir.), cert. denied, 429 U.S. 919 (1976); *United States* v. *Gardner*, 516 F. 2d 334, 344-345 (7th Cir), cert. denied, 423 U.S. 861 (1975).[3]

Petitioner's reliance on *United States* v. *Archer*, 486 F. 2d 670 (2d Cir. 1973), is misplaced. In *Archer*, the court of appeals reversed a conviction under the Travel Act, 18 U.S.C. 1952 (proscribing the use of interstate facilities in the commission of certain unlawful acts), because the only proven connection with interstate commerce consisted of interstate telephone calls initiated by government agents solely for the purpose of establishing federal jurisdiction. Here, by contrast, petitioner and his co-defendant initiated and encouraged the interstate transportation of the stolen goods.

2. Petitioner next asserts (Pet. 7-8) that venue was improper in the Northern District of New York. We disagree. The conspiracy count in the indictment alleged overt acts occurring in the Northern District of New York, namely, DePasque's calls to Agent Stenham in Syracuse. The proof at trial showed that DePasque

[3]In any event, review of petitioner's conviction on Count II alone is not necessary. Petitioner received concurrent sentences on all three counts. Because petitioner's jurisdictional objection is plainly unavailing with respect to Counts I and III, the Court need not consider the primarily factual question whether petitioner's involvement in the movement of the stoneware from New Jersey to New York was sufficient to support the interstate transportation conviction. See *Andresen* v. *Maryland*, 427 U.S. 463, 469 n.4 (1976); *Barnes* v. *United States*, 412 U.S. 837, 848 n.16 (1973). The latter conviction would not have independent collateral consequences apart from the convictions on Counts I and III, and it would not affect the amount of time petitioner must serve before becoming eligible for parole under the United States Parole Commission's guidelines (28 C.F.R. 2.20). Compare *Rubin* v. *United States*, 439 U.S. 810 (1978).

negotiated the sale of the stolen goods through these telephone calls. This evidence established a sufficient relationship with the Northern District of New York to fix venue there. *Hyde* v. *United States*, 225 U.S. 347 (1912); *United States* v. *Strickland*, 493 F. 2d 182, 187 (5th Cir.), cert. dismissed, 419 U.S. 801 (1974).

Moreover, the interstate transportation offense was continuing in nature.[4] Under 18 U.S.C. 3237(a), such an offense may be prosecuted "in any district in which [the] offense was begun, continued, or completed." Trial in the Northern District of New York was proper under this standard. See *United States* v. *Hankish*, 502 F. 2d 71, 73 (4th Cir. 1974); *United States* v. *DeKunchak*, 467 F. 2d 432, 436 (2d Cir. 1972). Petitioner has not demonstrated or even suggested that he suffered any unfairness or hardship because he was prosecuted in a federal district outside New Jersey. Cf. *United States* v. *Cores*, 356 U.S. 405, 407 (1958).

3. Finally, petitioner argues (Pet. 8), relying on his brief in the court of appeals, that evidence of prior criminal acts was improperly admitted at trial. The evidence at issue showed that on December 6, 1977, FBI Agents Stenham and Dorton met with co-defendant DePasque and discussed possible transactions in stolen merchandise. DePasque said that they would discuss the matter further that evening and that the agents would meet his partner at that time (Tr. 56). DePasque later introduced the agents to petitioner. Petitioner assured the

[4]As an aider and abettor, petitioner could, of course, be tried wherever the substantive crime was committed. *United States* v. *Buttorff*, 572 F. 2d 619, 627 (8th Cir.), cert. denied, 437 U.S. 906 (1978); *United States* v. *Kilpatrick*, 458 F. 2d 864, 867-868 (7th Cir. 1972).

agents that they would deal directly with him and would therefore receive a lower price on goods purchased (Tr. 57-59).

Petitioner complains that the December 6, 1977 conversations occurred three months before the dates of the conspiracy alleged in the indictment and that the evidence of those conversations should have been excluded as an impermissible showing of prior criminal acts. But the evidence established the background and nature of the criminal scheme that came to fruition in March 1978 and formed the basis of the indictment against petitioner. It was admissible under Fed. R. Evid. 404(b) to show the preparation and planning of the offenses with which petitioner was charged. *United States* v. *Testa*, 548 F. 2d 847, 851-852 (9th Cir. 1977).

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

WADE H. MCCREE, JR.
Solicitor General

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MARCH 1980

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